

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-12 CIAE-00 INR-10
NSAE-00 NSC-05 EB-08 NRC-05 OES-07 SOE-02 DODE-00
DOE-15 SS-15 SP-02 CEQ-01 PM-05 H-01 SIG-03 /120 R

DRAFTED BY L/N:RDSLOAN:AVW
APPROVED BY OES/NET:LVNOSENZO
OES/NET -DHOYLE
OES/NET/IN - WMOFFITT
EUR - WSALISBURY
ACDA - HMARSHALL
DOE/GC - PBRUSH
DOE/IA - HBENGELSDORF
-----063353 201844Z /45

R 201811Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS
INFO AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE
USMISSION GENEVA
AMEMBASSY VIENNA

C O N F I D E N T I A L STATE 070998

USIAEA, USEEC ALSO FOR EMBASSY

E.O. 11652: GDS

TAGS: ENRG, MNUC, TECH, BE

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SUBJECT: US-EURATOM RENEGOTIATIONS: BELGIAN REQUEST FOR
INTERPRETATION OF SECTION 402 OF U.S. NON-PROLIFERATION
LEGISLATION

REF: BRUSSELS 4158

1. WITH RESPECT TO THE QUESTIONS RAISED BY BELGIAN

OFFICIALS CONCERNING SECTION 402 OF THE NEW NON-PROLIFERATION LAW:

(1) THE NUCLEAR NON-PROLIFERATION ACT IMPOSES NEW REQUIREMENTS APPLICABLE TO ENRICHMENT OF U. S. SUPPLIED SOURCE OR SPECIAL NUCLEAR MATERIAL OUTSIDE OF U.S. IN THIS REGARD, THE NEW STATUTE MAKES NO DISTINCTION BETWEEN STATES POSSESSING AND THOSE NOT POSSESSING NUCLEAR WEAPONS. WHILE IT IS TRUE THAT THIS ENRICHMENT PROVISION APPLIES NOT ONLY TO NATURAL URANIUM OF U.S. ORIGIN AND TO SPECIAL NUCLEAR MATERIAL FURNISHED BY THE U.S., WE SHOULD POINT OUT THAT THE U.S. HAS EXPORTED RELATIVELY SMALL AMOUNTS OF NATURAL URANIUM IN THE PAST AND MAY CONTINUE TO DO SO IN THE FUTURE. THE SPECIFIC ANSWER TO THE FIRST QUESTION IS THAT UNDER THE NEW NON-PROLIFERATION STATUTE, U.S. ORIGIN URANIUM RECOVERED DURING REPROCESSING CANNOT BE RE-ENRICHED OUTSIDE OF THE UNITED STATES UNLESS THIS IS

SPECIFICALLY PERMITTED BY AN AGREEMENT FOR COOPERATION OR UNLESS APPROVAL FOR SUCH RE-ENRICHMENT HAS BEEN GIVEN BY THE U.S. IN THE SAME MANNER AS PROVIDED FOR IN SECTION 303 OF THE NEW LAW.

(2) THE NEW NON-PROLIFERATION LAW DOES NOT MAKE A DISTINCTION ON REPROCESSING BETWEEN STATES POSSESSING AND THOSE NOT POSSESSING NUCLEAR WEAPONS. HOWEVER, UNDER CONFIDENTIAL

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SECTION 303 (B) OF THE NEW LAW, THE SECRETARY OF ENERGY IS PROHIBITED FROM ENTERING INTO ANY SUBSEQUENT ARRANGEMENT FOR (L) THE REPROCESSING OF ANY U.S. EXPORTED SPECIAL NUCLEAR MATERIAL OR SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF U.S. NUCLEAR MATERIALS AND EQUIPMENT, IN A FACILITY WHICH HAS NOT (A) PROCESSED "POWER REACTOR FUEL ASSEMBLIES"; OR (B) BEEN THE SUBJECT OF A REPROCESSING SUBSEQUENT ARRANGEMENT PRIOR TO THE DATE OF ENACTMENT OF THE NEW NON-PROLIFERATION LAW (MARCH 10, 1978); OR (2) FOR THE SUBSEQUENT RETRANSFER TO A NON-NUCLEAR-WEAPONS STATE OF ANY PLUTONIUM IN QUANTITIES GREATER THAN 500 GRAMS RESULTING FROM SUCH REPROCESSING, UNLESS THE SECRETARY OF ENERGY AND THE SECRETARY OF STATE DETERMINE THAT SUCH REPROCESSING OR RETRANSFER WILL NOT RESULT IN A SIGNIFICANT INCREASE IN THE RISK OF PROLIFERATION BEYOND THAT WHICH EXISTS AT THE TIME THAT THE APPROVAL WAS REQUESTED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR PROLIFERATION, NEGOTIATIONS, LEGISLATIVE BILLS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE070998
Document Source: CORE
Document Unique ID: 00
Drafter: RDSLOAN:AVW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780122-1257
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780346/aaaabneg.tel
Line Count: 113
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 80f460c3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 BRUSSELS 4158
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3266712
Secure: OPEN
Status: NATIVE
Subject: US-EURATOM RENEGOTIATIONS: BELGIAN REQUEST FOR INTERPRETATION OF SECTION 402 OF U.S. NON-PROLIFERATION LEGISLATION
TAGS: ENRG, MNUC, TECH, BE
To: BRUSSELS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/80f460c3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014